

REMARKS

Claims 18, 19, 24, 25 and 30-33 are currently pending, wherein claims 1-17, 20-23 and 26-29 have been canceled, claims 18, 24 and 25 have been amended, and claims 30-33 have been added. Applicants respectfully request reconsideration in view of the above-identified amendments and the remarks presented herein below.

In paragraph 1, the Office Action rejects claims 13-17, 20-23 and 26 under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent No. 6,124,888 to Terada et al. ("Terada"). Claims 13-17, 20-23 and 26 have been canceled, thereby rendering this rejection moot.

In paragraph 2, the Office Action rejects claims 27 and 28 under 35 U.S.C. §102(b) as allegedly being anticipated by Japanese Patent No. JP 04-313949 to Yoneyama Juichi ("Yoneyama Juichi"). Claims 27 and 28 have been canceled, thereby rendering this rejection moot.

In paragraph 3, the Office Action rejects claim 29 under 35 U.S.C. §103(a) as allegedly being unpatentable over Yoneyama Juichi in view of Terada. Claim 29 has been canceled, thereby rendering this rejection moot.

In paragraph 4, the Office Action rejects claims 18, 19, 24 and 25 under 35 U.S.C. §103(a) as allegedly being unpatentable over Terada in view of U.S. Patent No. 6,094,223 to Kobayashi ("Kobayashi"). Applicants respectfully traverse this rejection.

Independent claim 18 defines a digital camera comprising, *inter alia*, an image sensor for converting a subject image into an electric signal on a plurality of pixels, and a control circuit for reading out said electric signal from said image sensor in accordance with a pixel pattern, the pixel pattern being different among first and second operations of the camera. Furthermore, when the second operation is an autofocusing operation, the pixel pattern has a predetermined area having a higher density of pixels to be read than the other areas of the pixel pattern. Likewise, independent claim 24 defines a method of controlling a digital camera capable of randomly selecting pixels to be read, wherein when the camera is operated in an auto focusing mode, the pixel pattern to be read has a

predetermined area having a higher density of pixels to be read than the other areas of the pattern.

Terada discloses a image pickup apparatus comprising multiple reading or driving modes. The driving modes include, block, skip and whole pixel. However, as correctly noted by the Office Action, Terada fails to disclose that the second operation is an autofocusing operation in which the second pixel pattern has a predetermined area having a higher density of pixels to be read than the other areas of the second pattern.

Kobayashi discloses an automatic focus sensing device. According to Kobayashi, in the auto focusing operation, a part of the imaging area is frequently employed as an auto focus (AF) area. However, Kobayashi, like Terada, fails to disclose that the AF area has a higher density than the other areas of the image.

In rejecting claims 18, 19, 24 and 25, the Office Action asserts that it would have been obvious to one skilled in the art to enhance the digital camera in Terada by reading out charges of all pixels in a predetermined area for performing autofocusing as taught by Kobayashi so that an accurate correlation between pixels are obtained. This assertion is unfounded for the following reason.

It is well known that one of the basic criteria that must be met to support a rejection under 35 U.S.C. §103 is that the combination must teach each and every claimed element. In the present case, independent claims 18 and 24 are patentable over the combination of Terada and Kobayashi for at least the reason that the combination fails to disclose or suggest that the second pixel pattern has a predetermined area having a higher density of pixels-to-be read than the other areas of the second pattern as claimed. Kobayashi discloses using a part of an image as an auto focus area, however Kobayashi fails to disclose that the auto focus area has a higher density of pixels to be read than the other areas of the image. Therefore, even if one skilled in the art were motivated to combine Terada and Kobayashi, as suggested by the Office Action, the combination would still fail to render claims 18 and 24 unpatentable.

Claims 19 and 25 depend from independent claims 18 and 24. Therefore, claims 19 and 25 are patentably distinguishable over the combination of Terada and Kobayashi for at

least those reasons presented above with respect to claims 18 and 24. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 18, 19, 24 and 25 under 35 U.S.C. §103.

This application is in condition for allowance. Notice of same is earnestly solicited. Should the Examiner have any questions regarding this application, the Examiner is invited to call the undersigned at the telephone number provided below.

Respectfully submitted,

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